

**REMARKS****Summary of the Office Action**

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,844,319 to Kurosawa ("Kurosawa").

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurosawa in view of Japanese Patent No. 03-025931 ("the '931 patent").

**Summary of the Response to the Office Action**

Claims 1-6 are pending for consideration. New claims 5 and 6 have been added.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kurosawa. Applicants respectfully traverse the rejection.

As can be clearly seen from the English language abstract page of the '931 patent submitted with the Information Disclosure Statement of March 9, 2006, Kurosawa is the U.S. equivalent of the '931 patent. The difference between the '931 patent and JP-Y-03-025930 ("the '930 patent") is the chute for discarding cut pieces of staples that have been cut by the cutter mechanism. The chute is only recited in claims 3 and 4.

It is clear that a mistake has been made in citing Kurosawa in the latest rejection, as Kurosawa obviously has exactly the same shortcomings as the previously cited references (the '930 and '931 patents). The Interview Summary of October 18, 2007 states that "the claims now

read over the JP reference cited in the final office action.” For at least this reason, Applicants respectfully assert that claims 1-3 are in condition for allowance.

**Rejection Under 35 U.S.C. § 103(a)**

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurosawa in view of the '931 patent. Applicants respectfully traverse the rejection.

There appears to be some confusion with this rejection because, as explained above, Kurosawa is the U.S. counterpart to the '931 patent. Thus, there is no reason to combine the references.

All three references (Kurosawa, the '930 patent, and the '931 patent) cited in the latest and previous Office Action have the same shortcoming – failure to disclose the fixed cutter and movable cutter being slidable with the cutter unit. As explained above, the Interview Summary of October 18, 2007 conceded that “the claims now read over the JP reference cited in the final office action.” For at least this reason, Applicants respectfully assert that claim 4 is in condition for allowance.

**New Claims**

Applicants respectfully assert that new claims 5 and 6 are in condition for allowance based on their dependence from claim 1, and for the additional features recited.

Applicants submit that all pending claims are in condition for allowance. Allowance of claims 1-6 is earnestly solicited.

**CONCLUSION**


It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: March 3, 2008

By:

  
Kent Basson  
Registration No. 48,125

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202.739.3000